

REMARKS

Reconsideration and withdrawal of the objections to and the rejections of this application in view of the amendments and remarks herewith, is respectfully requested, as the changes place the application in condition for allowance.

I. Status of the Claims and Formal Matters

Claims 1-36 are pending in this application. Claims 5, 7, 9, 22, 28, 35, and 36 are currently withdrawn from consideration. Claims 1, 2, 3, 4, 6, 8, 10, 11, and 24 have been amended, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents. No new matter has been added by these amendments. Support for these amendments is found throughout the specification. Specifically, support for the homologues, derivatives, mutants and hybrids of cpn10 and cpn60 recited in amended claim 1, is found on page 4 of the specification at line 1-9.

II. The present application is a continuation-in-part application

The Office Action requests that applicant indicate what changes make the present application a continuation-in-part of PCT/GB00/01815. The Examiner's attention is directed to pages 52A-D of the present application which describe the invention in terms of numbered paragraphs and pages 53-56 of the present application on which claims 1-36 are presented. PCT/GB00/01815 did not contain a description of the invention in terms of such numbered paragraphs. Furthermore, the claims presented on pages 53-56 differ from those presented in PCT/GB00/018. Thus, the present application contains matter not present in PCT/GB00/018 and is therefore a continuation-in-part of PCT/GB00/01815.

III. The rejections under 35 U.S.C § 112 are overcome

The Office Action alleges that claims 1-4, 6, 8, 10-21, 23-27, and 29-33 are indefinite for failing to particularly point out and claim the subject matter that the applicant regards as the invention. In particular, the Office Action alleges that the metes and bounds of the claims are unclear because the peptide structures are described only in terms of their function. By this paper claim 1 is hereby amended to recite peptide structures derived from proteins of the cpn60 and cpn10 families. Thus, the rejection of claim 1, and consequently the rejection of claims 2-4, 6, 8, 10-21, 23-27, and 29-33 which depend on claim 1, is overcome.

It is also alleged in the present Office Action, that claims 1, 4, 6, and 8 are confusing because it is not clear if the term “subunit” is intended to describe a part of a multimer or a portion or fragment of the polypeptide monomer. By this paper claims 1, 4, 6, and 8 are amended to clarify that the “subunit” into which the heterologous amino acid sequence is inserted is a monomeric subunit, thereby overcoming this rejection. However, the Examiner should also note, that due to the oligomerizable nature of the monomers of the present invention, the claimed heterologous amino acid inserts will also form a part of the multimer generated by the oligomerization of individual monomeric subunits.

The present Office Action further asserts that the location of the inserts recited in claims 6, 8, and 10 is not clear, alleging that there is no basis for the amino acid numbering system used. This rejection is respectfully traversed. The Examiner’s attention is directed to page 364 of the article by Hunt et al. which is referenced multiple times in the specification of the present application, such as for example, on page 10 at line 11. Hunt et al. sets forth the amino acid numbering system for GroES. This numbering system is accepted and used by those of skill in the art. Thus, contrary to the assertion of the Office Action, there is a valid basis for the amino acid numbering system used in the specification of the present application, and one of skill in the art would readily recognize the location of inserts recited in claims 6, 8, and 10.

The present Office Action rejected claim 24, alleging that the limitation “oligomer” in this claim lacks antecedent basis. By the amendment to claim 24 presented herein, this rejection is overcome.

IV. The rejections under 35 U.S.C § 102(b) are overcome

The Office Action asserts that claims 1, 4, 11-14, 16, 21, 23, 29, and 31-35 are anticipated by Terskikh et al., which allegedly discloses a peptide monomer that is capable of oligomerization and that contains a heterologous amino acid sequence inserted therein. However, Terskikh et al. fails to teach or suggest oligomerizable peptide monomers that are either based on, or derived from, proteins of the cpn10 or cpn60 families of chaperone proteins as recited in amended claim 1. In light of the amendments presented herein, it is submitted that the rejection of claim 1, and therefore also the rejections of claims 4, 11-14, 16, 21, 23, 29, and 31-35 which depend on claim 1, are overcome.

V. The Double Patenting rejections are overcome

The Office Action provisionally rejected claims 1-4, 6, 8, and 10-18 of the present application under the judicially created doctrine of obviousness, alleging that these claims are unpatentable over claims of co-pending application 10/007314. The Office Action goes on to say that co-pending application 10/013314 may also be the subject of a future double patenting rejection. This rejection is respectfully traversed. Both application 10/007314 and application 10/013314 have been abandoned by the Applicant. In light of the lack of pendency of these two applications, the double patenting rejections are rendered moot and should be withdrawn.

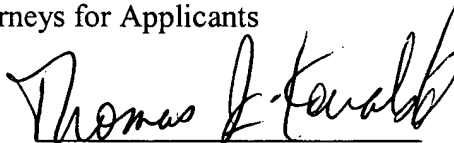
CONCLUSION

In view of the amendments and remarks herewith, the application is in condition for allowance. Favorable reconsideration of the application, reconsideration, and withdrawal of the objections to and rejections of the application, and prompt issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By:



THOMAS J. KOWALSKI

Reg. No. 32,147

Tel (212) 588-0800

Fax (212) 588-0500

Email: TKowalski@FLHLaw.com